

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO. 04-10621-GAO

DAVID JOSSELYN,
Petitioner,

v.

KATHLEEN DENNEHY,
Respondent.

ORDER GRANTING LIMITED CERTIFICATE OF APPEALABILITY
September 7, 2005

O'TOOLE, D.J.

The petitioner's motion for a certificate of appealability is granted as to the following issue:

Whether this Court abused its discretion in requiring the petitioner to elect either to dismiss the unexhausted claims and prosecute only those claims that had been exhausted or to accept dismissal of the entire petition without prejudice as a "mixed petition."

September 7, 2005
Date

[Signature]
District Judge